

**From the Desk of Scott-Taggart, created in  
the image of my Almighty God, YHWH, KING  
of Kings, created as flesh and blood soul  
possessing being known on this earth as  
Scott-Taggart.**

**Address: 7819 W XXX Court, Overland Park,  
Kansas [66223]**

**Date: January 3, 2025**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA ) No. 4:21-cr-000465-CDP (SRW)**

**) CUSIP 949921126**

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**SCOTT T. ROETHLE )**

**Accused**

**Due to time Constraints, this Paper is Served and Filed in the Court via eFile,  
with instructions to the Clerk of the Court to distribute to all Entitled Parties.**

**FILE ON DEMAND**

**REBUTTAL TO REPORT AND RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE**

I, Scott-Taggart, Auth Rep, Sui Juris, by Special Limited Appearance, as agent and Authorized Representative for named defendant SCOTT T ROETHLE, submit these papers as the living man, private and Sovereign, created in the image of Almighty God. I declare that the content herein is true and accurate to the best of my knowledge and I so affirm in the presence of Almighty God, and I ask the court to grant my demand for dismissal in accordance with the remedies sought in document no. 152, filed in April 2024.

The demand for dismissal was submitted, no. 152, in April 2024. To date no lawful response has been received from the government following the common law, no findings of fact, conclusions of law, nor the federal court's judge decision has been received, depriving me of my unalienable self-executing Right to a timely decision found in the Fifth Amendment of the due process of law clause, which entitles me to dismissal with prejudice in accordance with the papers received and the lawful remedies sought therein.

Demands for dismissal challenging jurisdiction via affidavit of truth require as a matter of law a decision from the federal judge on that matter, prior to any other actions taken since the court has no jurisdiction whatsoever to proceed in any manner, other than to dismissal with prejudice in accordance with the papers submitted, and the lawful remedies sought therein, until the matter of jurisdiction is lawfully adjudicated. Magistrate judges are precluded from declaring jurisdiction because they are administrative judges, whose duty it is to enforce statutes, that are not the law of the land, and that deprive me of my unalienable constitutional rights. They are not authorized to determine the law in accordance with Article III and the exercise of judicial Power. "*However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any*

court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction. Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them; the question is, whether on the case before a court, their action is judicial or extrajudicial; with or without the authority of law, to render a judgment or decree upon the rights of the litigant parties. If the law confers the power to render a judgment or decree, then the court has jurisdiction; what shall be adjudged or decreed between the parties, and with which is the right of the case, is judicial action, by hearing and determining it. 6 Peters, 709; 4 Russell, 415; 3 Peters, 203-7" Cited by STATE OF RHODE ISLAND v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838).

- 1- The magistrate judge instead practiced law from the bench. He denied me an answer from the government for a question I asked the prosecutor during a compelled and unconstitutional hearing, relative to jurisdictional authority, pending the Order on the jurisdictional issue. He declared that this cause of action is both an Article I and an Article III cause of action, depriving me of Notice, as a Due process of law unalienable Right. How can I be expected to comprehend which hat the court is wearing at any given moment? Article I courts require a wet-ink signed contract with full consent and full knowledge of the contents within the contract, as required in the eight elements of contract law. At no time was I informed of the elements of the presumed contract I may have signed, under duress, with ineffective assistance of counsel who had a duty to inform me of what I was being asked to sign, and that I was waiving my unalienable constitutional rights if I acquiesced to Article I jurisdiction. I never consented to Article I courts and I emphatically state that again herein. Contracts that are obtained under concealment of material facts are fraudulent and void ab initio. One has to wonder why the court would immediately shut the government up from answering the question I asked, denying me the right to be heard and to comprehend the jurisdictional authority the court was presuming

**and assuming to have, via tacit procurement which does not constitute lawful consent, if the court indeed believed that following the constitution, the court had the jurisdiction to declare its own jurisdiction. Besides, a Maxim of law is that judges are "counsel for the prisoner, and they are duty-bound to protect the Rights of the accused.**

- 2- Magistrate "judges" wearing black robes who are not real judges as required in Article III Courts, with a mandate to exercise judicial power, following the common law, have no authority to declare the court's jurisdiction when it comes to Sovereign man (in stark contrast to sovereign citizen, which I have emphatically stated I am not.) Proclaiming the law is reserved for tenured federal judges during good behavior, following the common law. And, they are required to exercise judicial power, which automatically precludes the federal judge from adjudicating based upon an indictment that, on its face, only cites statutes as their basis for bringing this cause of action to the court.**
- 3- The magistrate also declared that he has jurisdiction, but judges are not authorized to assume their own jurisdiction absent findings of fact, conclusions of law, and a decision from the federal court judge prior to issuing any other Orders without lawfully first establishing jurisdiction authority.**

**Demands for dismissal challenging jurisdiction via affidavit require a response in a like manner, point by point, via sworn testimony. Although the government made a feeble attempt to issue an unconstitutional response, it did not respond point by point or via sworn testimony and without any certified proof or evidence of any of the three areas of jurisdiction. Therefore, all assertions I made were not lawfully responded to, and are all deemed to have been accepted as Truth, entitling me to dismissal with prejudice in accordance with the papers submitted and the lawful remedies sought herein/therein.**

- 4- This court instead proceeded to deprive me of my unalienable Right to the due process of law clause found in the Fifth**

**Amendment and granted the government a compulsory mental health evaluation as a ploy to attempt to appoint counsel against my will and as an unalienable Right found in the Fourth Amendment to be secure in my person. I was then unlawfully incarcerated for nearly four months, depriving me of my most sacred Right, that of Liberty.**

**5-The court also violated my sixth Amendment Right to counsel of choice when it appointed standby counsel against my will and objections, since I had already appointed myself as counsel, Sui Juris. See *United States v. Gonzalez-Lopez*, 548 U.S. 140 (2006), is a United States Supreme Court ruling that the erroneous deprivation of a defendant's attorney of choice entitles him to a reversal of his conviction under the Sixth Amendment to the United States Constitution.**

**6-Despite the unconstitutional request for a mental health evaluation, I volunteered to provide the court with my confidential mental health evaluation from a competent mental health practitioner. Since the government had alleged that my demeanor had somehow changed between the time when I was represented by BAR-member attorney and when I was Sui Juris, the proper mental health practitioner would be someone who had evaluated me both before and after. That is precisely the mental health evaluation I provided to the court.**

**The court, nonetheless, disregarded this mental health evaluation and ordered a new one, which would now be performed as an inpatient while being unlawfully incarcerated, in violation of my unalienable Right found in the Fourth Amendment to be secure in my person, and in violation of the Nuremberg Code, compelling me to undergo a procedure against my will.**

- 7- I was deemed to have not complied with a court Order, but orders that are unconstitutional are null and void ab initio.**
- 8- Additionally, I did not refuse to comply. I instead volunteered to comply, and I did comply. In fact, the court acknowledged that I had complied in the most recent hearing on December 20, 2024,**

when the court referenced the existence of the volunteered mental health evaluation, and I was released back to my original pre-trial services conditions of release with no adjustments. Nonetheless, I was unconstitutionally incarcerated for almost 4 months awaiting an unconstitutionally ordered new/second mental health evaluation. During that period, I lost my previous professional position and income, violating my First Amendment and my Fourth Amendment Rights. The court must produce proof on the record of its constitutional authority to compel a mental health evaluation at all, let alone a second one, under forced incarceration once it has voluntarily obtained one from a qualified mental health practitioner.

- 9- During that incarceration I lost over 20 pounds, even though I had no reason to lose weight. My Vitamin D levels dropped to unacceptable levels, rendering me susceptible to opportunistic disease. My testosterone levels similarly dropped to unacceptable levels. I was deprived of outside sunshine, a requirement for the production of Vitamin D, for optimum health, which is a violation of the Eighth Amendment cruel and unusual punishment clause.
- 10- The government has also deprived me of my unalienable self-executing Right to the Second Amendment Right to bear arms, with no constitutional authority, entitling me to dismissal with prejudice in accordance with these papers and with the remedies sought herein. *Christopher L Wilson v. Hawaii*, 23-7517 when it stated: "In New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U. S. 1 (2022), we singled out Hawaii's firearms-licensing regime as "analog[ous]" to the New York regime we held unconstitutional. Id., at 15. We explained that States cannot condition an individual's exercise of his Second Amendment rights on a showing of "special need." Id., at 70–71. Yet, the Hawaii Supreme Court ignored our holding in the decision below. See 154 Haw. 8, 543 P. 3d 440 (2024). It instead stated that petitioner Christopher Wilson could not invoke the Hawaii regime's unconstitutionality as a defense in his criminal proceedings because he had never applied for a license. That conclusion contravenes the settled principle that Americans need not engage in empty formalities before they can invoke their constitutional rights, and it wrongly reduces the Second Amendment to a "second-class right." *McDonald v. Chicago*, 561

*U. S. 742, 780 (2010) (plurality opinion). Although the interlocutory posture of the petition weighs against correcting this error now, I would grant certiorari in an appropriate case to reaffirm that the Second Amendment warrants the same respect as any other constitutional right” ... “Remarkably, the Hawaii Supreme Court’s recognition of the “federally-mandated” right to public carry disappeared when it turned to Wilson’s Second Amendment defense. There, the court invoked state standing law to avoid any meaningful Second Amendment analysis. It held that, because Wilson had not applied for a license and had not been charged with violating the licensing statute itself (which was not a criminal statute), he lacked standing to challenge the particulars of the licensing regime. *Id.*, at 12–13, 543 P. 3d, at 444–445. Instead, he could argue only that the Second Amendment categorically forbids state licensing regimes. Because that is not the case, the court held, Hawaii’s prohibitions on unlicensed carry “do not graze Wilson’s Second Amendment right.” *Id.*, at 27, 543 P. 3d, at 459 ... “A defendant can always raise unconstitutionality as a defense “where a statute is invalid upon its face and an attempt is made to enforce its penalties in violation of constitutional right.” *Smith v. Cahoon*, 283 U. S. 553, 562 (1931). A “long line of precedent” confirms this point. See, e.g., *City of Lakewood v. Plain Dealer Publishing Co.*, 486 U. S. 750, 755–757 (1988) (collecting cases).” ... Thus, a state-law holding that a defendant “lacked standing to attack the constitutionality of the ordinance because [he] made no attempt to secure a permit under it” is “not an adequate nonfederal ground of decision” where the “ordinance . . . on its face violates the Constitution.” *Staub v. City of Baxley*, 355 U. S. 313, 319 (1958) ... “Our rejection of state procedural restrictions on the invocation of constitutional defenses follows from the fact that constitutional rights are “self-executing prohibitions on governmental action.” *City of Boerne v. Flores*, 521 U. S. 507, 524 (1997). A constitutional violation accrues the moment the government undertakes an unconstitutional act. For example, a violation of the Takings Clause occurs “at the time of the taking.” *Knick v. Township of Scott*, 588 U. S. 180, 194 (2019). And, the availability of state-law compensation remedies cannot delay or undo the accrual of a takings claim. See *id.*, at 193–194.” ... “The same principles apply to the Second Amendment. That Amendment is similarly self-executing, and a State transgresses*

*it as soon as the State implements a licensing regime that is inconsistent with the Nation's "historical tradition of firearm regulation." Bruen, 597 U. S., at 17; Luke: 11:21: "When a strong man, armed, keepeth his palace, his goods are in peace."*

\*The government is compelled to offer proof on the record of its constitutional authority to deprive self-executing Rights at any time up until conviction by a common law Grand Jury and common law Sentencing.

**For the reasons stated herein, I demand the court issue its findings of fact, conclusions of law, and a decision of dismissal with prejudice in accordance with the papers submitted and with the lawful remedies sought. I hereby amend my original damages amount to \$2,777,777,777 payable within 72 hours of the order granting me dismissal with prejudice in accordance with all the papers submitted and the lawful remedies sought.**

Respectfully submitted, this 3<sup>rd</sup> day of January 2025.

All Rights Reserved,

Scott-Taggart, Authorized Representative

Scott Taggart, Auth. Rep.

Authorized Representative For: SCOTT T ROETHLE